Manitoba
Culture, Heritage
and Recreation

The Heritage Resources Act

Designating Municipal Heritage Sites in Manitoba

86-06615/

Manitoba
Culture, Heritage
and Recreation

The Heritage Resources Act

Designating Municipal Heritage Sites in Manitoba

Table of Contents

Introduction 2
Municipal Heritage Sites 2
Municipal Powers 4
Municipal Heritage Committee 4
Criteria For the Designation of Heritage Sites 5
The Designation Process 6
Municipal Heritage Site Designation Where No Objection—Chart A 7
Register of Municipal Heritage Sites 7
Objection to Designation 8
Municipal Heritage Site Designation Where There is Objection—Chart B 9
What Does Designation Mean to An Owner? 9
Appealing a Designation 10
Process For Appealing a Designation—Chart C 11
Emergency Powers to Protect Threatened Heritage Sites 11
Appendices: 12

Series A—Forms Prescribed by The Heritage Resources Act:
Appendix A1: Municipal Notice of Intent 14
Appendix A2: Municipal Heritage Notice 15
Appendix A3: Municipal Notice of Appeal 16

Series B—Suggested Formats for Other Documents Required by The Heritage Resources Act:
Appendix B1: Sample By-law Establishing a Municipal Heritage Committee 17
Appendix B2: Sample By-law Designating a Municipal Heritage Site 18
Appendix B3: Sample Municipal Register Page 19
Appendix B4: Sample Municipal Heritage Permit 20

Introduction.

The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, was proclaimed law in 1986. This Act replaces The Historic Sites and Objects Act, which was originally passed in 1967. The celebration of Canada's centennial in 1967, followed by Manitoba's centennial in 1970, spurred the development of museums, heritage parks and various commemorative activities, including the establishment of monuments and the publication of popular local histories. The protection of heritage resources, such as buildings, sites and objects, under the old Act had not kept pace with the growing interest and concern Manitobans expressed for preserving the physical reminders of our past. The new Act, therefore, was drafted to specifically address the central issues of affording better protection to heritage resources, and greater public involvement. Its main provisions include:

- provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;
- a new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;
- stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;
- new protection for heritage objects;
- new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.

This handbook has been designed as an introduction and guide to Part III of The Heritage Resources Act, DESIGNATION OF MUNICIPAL HERITAGE SITES. It is not intended as a substitute for the legislation, but should be used in conjunction with The Heritage Resources Act, which is available from:

Queen's Printer
Manitoba Culture, Heritage and Recreation
200 Vaughan Street
Winnipeg, Manitoba
R3C 1T5

While the handbook is intended primarily for the use of municipal councillors, officials and local heritage committees, it is also designed to be of use to anyone interested in local heritage conservation. It will facilitate the understanding of the legal procedures involved with the designation (identification and protection) of heritage sites, including buildings and structures, at the municipal level.

For reference, copies of documents required by the Act in the designation process of municipal sites are attached. These include documents which are prescribed by regulation under the Act (Appendix A) and those documents which may be drafted by a municipality (Appendix B). As these latter documents do not have to meet a prescribed format, they are suggested samples only. A municipality is free to draft all non-prescribed documents in any alternative acceptable format.

Municipal Heritage Sites.

A "municipal heritage site" is one designated as such under Part III of the Act.

The Act permits a municipality to designate as a municipal heritage site any municipal site that, in the opinion of the municipality, either in itself or by reason of heritage resources or human remains discovered or believed to be on or under the site, represents an important feature of the historic or prehistoric development of the locality, or if its people and their culture or of its natural history.

It is important to note that the Act defines "site" very broadly to mean:

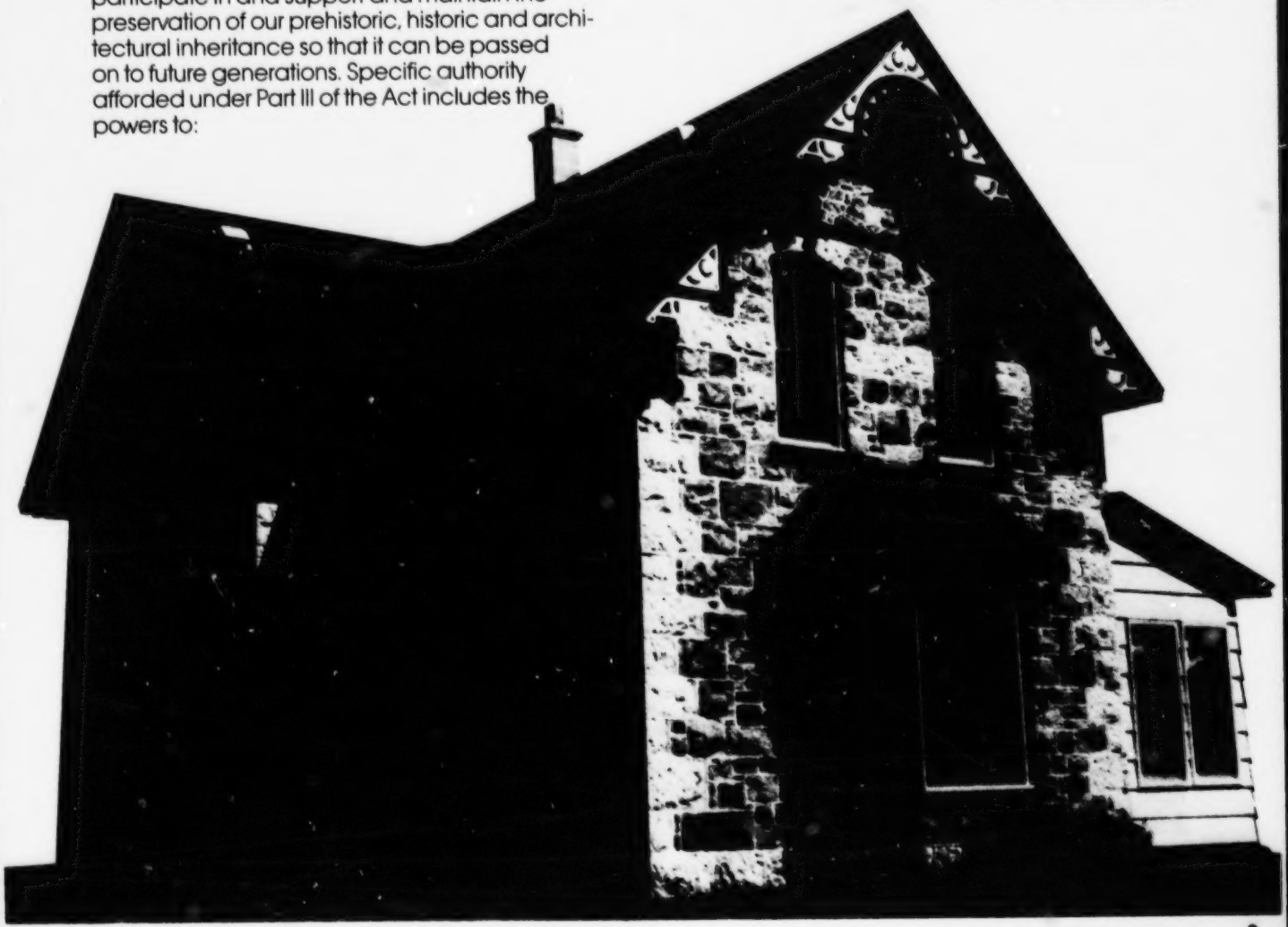
"...AS THE CASE MAY REQUIRE,
(i) AN AREA OR A PLACE, OR
(ii) A PARCEL OF LAND, OR
(iii) A BUILDING OR STRUCTURE, OR
(iv) AN EXTERIOR OR INTERIOR PORTION OR SEGMENT OF A BUILDING OR STRUCTURE,
WITHIN THE PROVINCE, WHETHER IT IS PRIVATELY OWNED OR OWNED BY A MUNICIPALITY..."

Municipal Powers.

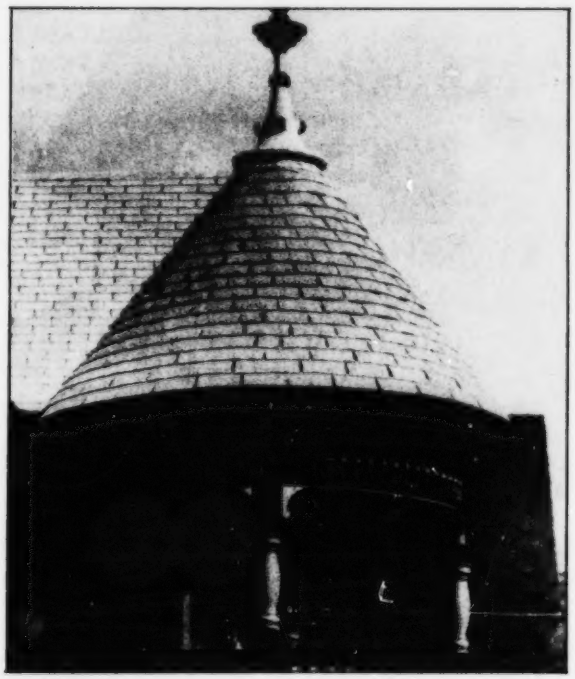
The Act defines a municipality as:
"...ANY LOCALITY THE INHABITANTS OF WHICH ARE INCORPORATED AND CONTINUED UNDER THE AUTHORITY OF THE MUNICIPAL ACT OR SOME OTHER ACT OF THE LEGISLATURE, AND INCLUDES A RURAL MUNICIPALITY, AN INCORPORATED CITY, TOWN OR VILLAGE, A LOCAL GOVERNMENT DISTRICT AND THE CITY OF WINNIPEG, AND INCLUDES NORTHERN MANITOBA AS DEFINED IN THE NORTHERN AFFAIRS ACT AND ANY LOCALITY IN NORTHERN MANITOBA FOR WHICH PROVISION IS MADE IN THAT ACT, AND INCLUDES THE COUNCIL OR PERSONS AUTHORIZED TO ACT FOR A MUNICIPALITY...."

In the Act, municipal governments have been given enabling powers to assist them to participate in and support and maintain the preservation of our prehistoric, historic and architectural inheritance so that it can be passed on to future generations. Specific authority afforded under Part III of the Act includes the powers to:

1. designate, by way of by-law, as a "municipal heritage site" any site or structure which represents, either in itself or by reason of the historic resources it contains, the historic or prehistoric development of the locality or of the peoples of the locality or their respective cultures or the natural history of the area;
—Sections 25 and 2
2. establish, by way of by-law, an advisory body known as a municipal heritage committee;
—Sub-section 34(1)(d)
3. issue, by way of by-law, Municipal Heritage Permits to ensure that work and improvements to municipal heritage sites are sympathetic to the nature of the site or building;
—Sub-section 34(1)(b)



4. enter, by way of by-law, into agreements with the owners of municipal heritage sites and offer financial and technical assistance for the preservation and maintenance of the site;
—Sub-section 34(1)(c)
5. enter into heritage agreements with an owner of a municipal site to provide for the maintenance, preservation or protection of the site, the provisions of which agreement become covenants that run with the land and are binding upon all owners;
—Section 21
6. a) issue orders in writing where a person is in breach of the Act or a by-law, agreement or Municipal Heritage Permit arising from the Act; and
   b) require the person to remedy the breach immediately or within a stated period of time; and
   c) if the order is not complied with, apply to a judge for a court order permitting the municipality to enter the municipal site and take steps necessary to remedy the breach;
—Sub-sections 35(1) and (2)
7. acquire and dispose of municipal heritage sites;
—Section 38



8. maintain, as a duty, a public register of municipal heritage sites;
—Section 39
9. receive gifts and bequests for heritage preservation purposes;
—Section 40(2)
10. erect plaques or produce other material to provide information as to the heritage significance of municipal heritage sites;
—Sub-section 36(1)
11. enter into agreements with persons and groups concerning heritage preservation, including the coordination of programmes, offering information to the public and programmes of research and discovery, restoration and preservation.
—Section 61

Municipalities also have authority, under The Planning Act, to undertake the preservation of local heritage sites where there is a development plan in effect. This legislation permits the formation of planning districts and the appointment of planning boards to oversee development in a prescribed district. Sub-section 27(4) of The Planning Act states that a development plan prepared for a planning board should contain, among other provisions, a statement of aims, objectives and policy with respect to the preservation, protection and enhancement of areas of land, buildings and structures by reason of their historical, archaeological, geological, architectural, environmental or scenic significance.

Municipalities do not have the authority to designate any sites, including buildings and structures, owned by the provincial or federal government. Similarly, the provincial government does not have the authority to designate any site owned by the federal government.

Municipal Heritage Committee.

The task of judging the potential sites to be designated as municipal heritage sites is an important one. In order to involve the community in the process and assist municipal councils in this task, the Act allows for a municipal council to establish, by by-law, a municipal heritage committee to advise the council on heritage matters.

At the same time, the local heritage committee could undertake, for the municipal council, a number of other heritage projects. One of the most useful of these would be the preparation of a detailed inventory of potential municipal heritage sites. This inventory and research on historic and prehistoric sites in the municipality would allow for careful evaluation and selection of those heritage sites which are either representative examples or outstanding examples in the municipality and should be considered for protection under the Act.

The committee should be a balanced one, representing various interests in the municipality. A suggested membership on the committee might include a member of the municipal council, a member of the business community, representatives from the local historical society and museum, local architects and planners and anyone else with a keen interest in the heritage of the area.

A sample by-law for the establishment of a municipal heritage committee is attached as Appendix B1 to this handbook.

Criteria for the Designation of Heritage Sites.

When assessing possible sites for designation, primary concern must be given to their heritage significance and their representative qualities. For provincial designation, the resource must be of significance to Manitoba's past. Similarly, municipally designated sites should reflect crucial elements of the heritage of a particular locality.

There are some general criteria that are common when evaluating heritage sites:

HISTORY AND CONTEXT—Is the site associated with a person, group or organization which has made a valuable contribution to either the province or the region? Is it associated with, and effectively illustrative of, broad patterns of cultural, social, political, military, economic or industrial history?

EVENT—Did a noteworthy event occur on the property that has made a significant contribution to either the province, region or community?

LANDMARK—Is the site particularly important as a visual or historic landmark to the province, region or community?

ARCHITECTURE—For buildings, is it a notable, rare or early example of a particular style or construction type? Was it designed or constructed by a notable architect or builder?

INTEGRITY—Has the site been altered? For buildings, is it in good structural condition?

Types of sites often considered for municipal designation may include the following:

- schools
- churches
- town halls
- branch banks
- commercial outlets
- railway stations
- farmsteads of early settlers
- remnants of early trails
- former townsites
- sites of fur trade posts
- archaeological sites

The Designation Process.

The municipal designation process established by The Heritage Resources Act offers a municipality the most effective opportunity to protect its historical inheritance. As designation involves property, it is necessary to ensure that the proposal is well publicized and that anyone with a concern about a proposed designation is accorded an opportunity to express that concern. With its clearly defined steps, The Heritage Resources Act ensures that concerns of property owners are fully considered.

The Act provides that certain documents used in the designation of municipal heritage sites are to be in a prescribed form. The forms, which are attached as Appendix A, are:

- Municipal Notice of Intent
- Municipal Heritage Notice
- Municipal Notice of Appeal

Other documents and formats to be used in the municipal designation process are left to the discretion of the municipality. Suggested samples and formats for these are attached as Appendix B.

The request for the consideration of a site as a municipal heritage site can come from a number of sources. It can be initiated by the municipal council, a member of the public, the owner of the property or by the municipal heritage committee. If not received from the municipal heritage committee, the council should refer the request to the committee for evaluation and a recommendation. The recommendations to the council from the committee could be either: a) that the site is of heritage significance to the locality and should be designated as a municipal heritage site; b) that the site is not of municipal significance and should not be designated; or c) that the site, due to its qualities and historical association, may be significant not just in the local context but to the province as a whole and, therefore, should be first referred to The Manitoba Heritage Council for evaluation to determine if the site should be designated as a provincial heritage site.

When a municipal council is satisfied that a site in the municipality has sufficient heritage significance and proposes to designate it as a municipal heritage site, the council must prepare a by-law to that effect and give it first reading (Appendix B2). After first reading, a Municipal Notice of Intent of the proposed designation (Appendix A1) and a copy of the proposed by-law must be served by personal service on the owner, any lessee of the affected property and on the Minister of Culture, Heritage and Recreation, c/o the Heritage Designation Officer, Historic Resources Branch. At the same time, the Notice of Intent must be published either in two successive issues of a newspaper circulating in the area, or in single issues of two separate newspapers. Finally, the Notice must be filed in the appropriate land titles or registry office.

The Notice of Intent to designate must include, as a minimum:

a) a declaration by the municipal council that in its opinion the site is of sufficient heritage significance and that the council intends to designate it as a municipal heritage site; and
b) a date, time and place for a hearing by the municipality to receive any objections and other representations with respect to the proposed by-law.

The date of the hearing must be no earlier than 21 days after the latest date of service of the Notice of Intent. Where no objections are raised to the proposed by-law at the public hearing, the municipal council may adopt the by-law, after second and third reading, or may resolve not to proceed further with the proposed designation.

When a proposed designation by-law is adopted and the site is thus designated a municipal heritage site, the municipal council must serve a copy of a Municipal Heritage Notice (Appendix A2) on the owner, any lessee of the affected site and on the Minister, c/o the Heritage Designation Officer. The Notice must also be published in one issue of a newspaper and must be filed in the appropriate land titles or registry office.

Municipalities may, by by-law, on a case by case basis, require that Municipal Heritage Permits be obtained by the owner before a designated heritage site or a site under consideration for designation, can be damaged, removed, repaired or altered. The purpose of the Permit is to encourage that repairs or renovations are sympathetic to the architectural or historic qualities of a site.

Under the Act, an objection to a proposed designation, or an appeal of a designation, may be referred to The Municipal Board for consideration. Details of these processes are described later in this handbook.

MUNICIPAL HERITAGE SITE DESIGNATION — WHERE NO OBJECTION

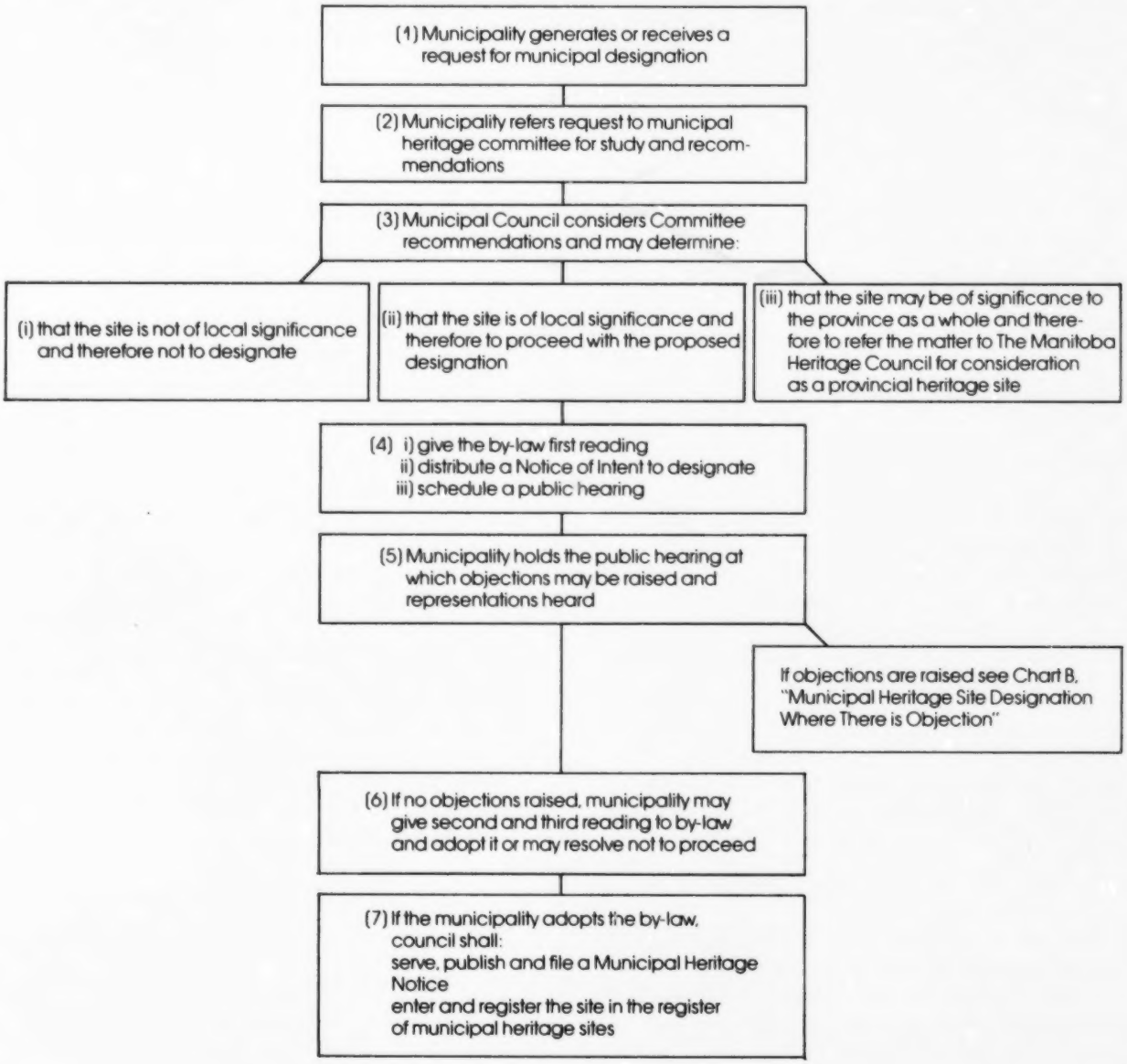

(1) Municipality generates or receives a request for municipal designation
(2) Municipality refers request to municipal heritage committee for study and recommendations
(3) Municipal Council considers Committee recommendations and may determine:
(i) that the site is not of local significance and therefore not to designate
(ii) that the site is of local significance and therefore to proceed with the proposed designation
(iii) that the site may be of significance to the province as a whole and therefore to refer the matter to The Manitoba Heritage Council for consideration as a provincial heritage site
(4) i) give the by-law first reading
ii) distribute a Notice of Intent to designate
iii) schedule a public hearing
(5) Municipality holds the public hearing at which objections may be raised and representations heard
If objections are raised see Chart B, "Municipal Heritage Site Designation Where There is Objection"
(6) If no objections raised, municipality may give second and third reading to by-law and adopt it or may resolve not to proceed
(7) If the municipality adopts the by-law, council shall:
serve, publish and file a Municipal Heritage Notice
enter and register the site in the register of municipal heritage sites

CHART A

Register of Municipal Heritage Sites.

Because designated heritage sites are a matter of public interest, it is necessary for a municipality to maintain a register of such sites. The register must be available for public inspection and must include:

a) the location of each site;
b) a physical description of the site;
c) a description of its significance;
d) the date of designation; and
e) the names and addresses of owners and lessees.

The register may, of course, contain any other relevant material, such as photographs, drawings or plans. A sample register page is attached as Appendix B3.

Similar to the register, where a municipality designates a municipal heritage site, or passes a resolution, or passes and adopts a proposed by-law dealing with a municipal heritage site or proposed municipal heritage site, it must advise the Minister, among others, by serving the Minister, c/o the Designation Officer, Historic Resources Branch, with a copy of the Municipal Heritage Notice of resolution or by-law.

Objection to Designation.

The owner or lessee of the site, or any group, organization or individual can raise an objection to the proposed designation at the hearing. If an objection is raised the council may either:

a) resolve not to proceed with the designation; or
b) amend the by-law in accordance with the objections, give it second and third reading and adopt it; or
c) refer the matter to The Municipal Board which is established under The Municipal Board Act.

If the proposed designation is referred to The Municipal Board, the Board will set a date, time and place for a public hearing to receive objections and other representations concerning the proposed by-law. At least 21 days before the hearing the Municipal Board will:

a) serve notice of the hearing upon the municipality, the Minister, c/o the Heritage Designation Officer, the owner and any lessee of the site and any parties who either objected to the designation or made representation at the earlier hearing;
b) publish a copy of the notice of the hearing in two issues of a newspaper circulating in the area or in one issue of two separate newspapers.

After the hearing, The Municipal Board will prepare and submit to the municipality a report of its recommendations, with reasons. Upon receiving this report the municipality may:

a) resolve not to proceed with the proposed designation by-law; or
b) amend the proposed by-law, give it second and third reading and adopt it; or
c) give second and third reading to the by-law and adopt it without amendment.

Then, in the same manner as a municipal heritage site is created if there is no objection, the council must serve a copy of The Municipal Heritage Notice on the owner, and any lessee of the affected site and on the Minister, c/o the Heritage Designation Officer. The notice must also be published in one issue of a newspaper and must be filed in the appropriate land titles or registry office.

MUNICIPAL SITE DESIGNATION WHERE THERE IS OBJECTION

From Chart A, Municipal Heritage Site Designation Where No Objection

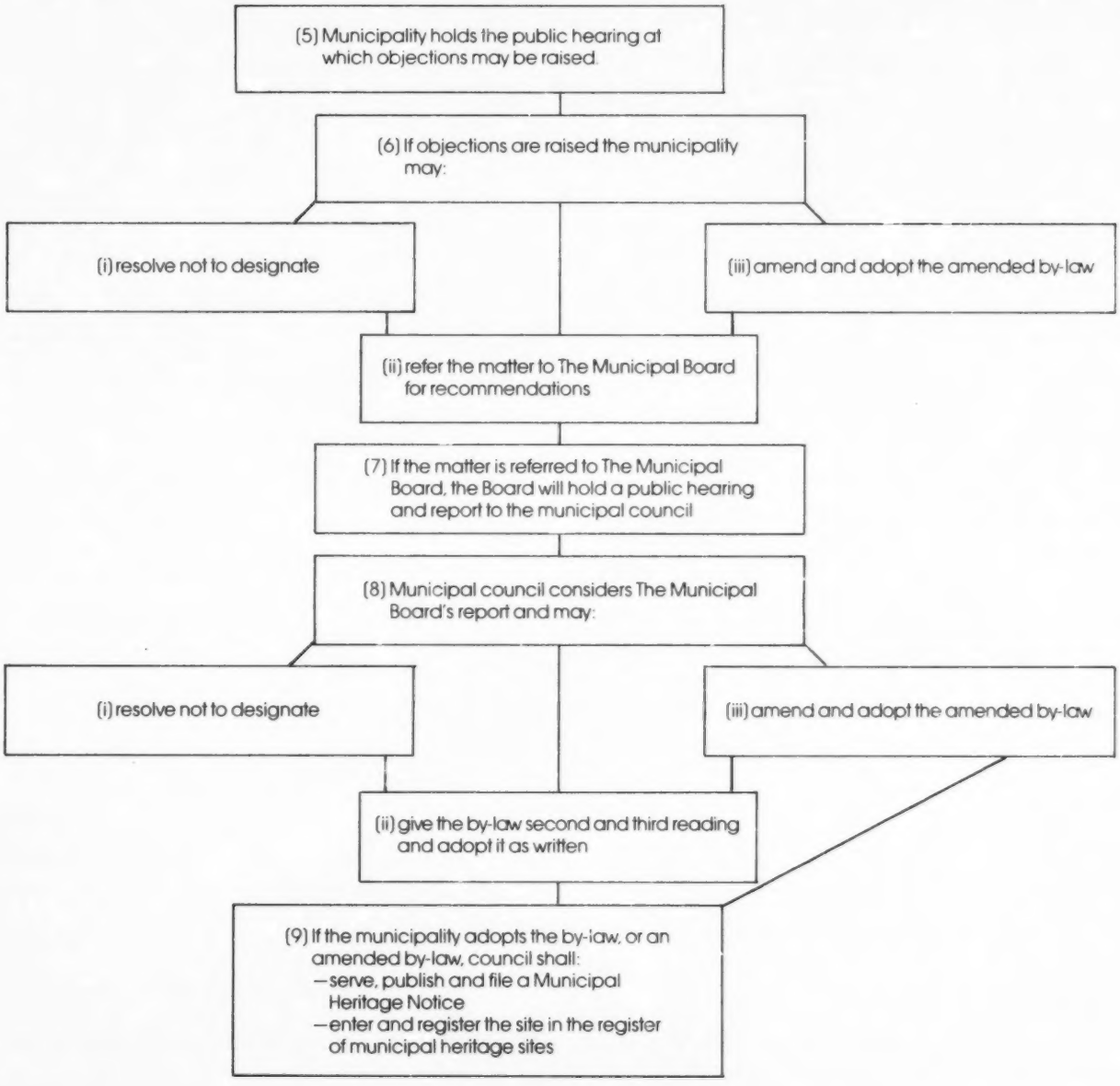

(5) Municipality holds the public hearing at which objections may be raised.
(6) If objections are raised the municipality may:
(i) resolve not to designate
(iii) amend and adopt the amended by-law
(ii) refer the matter to The Municipal Board for recommendations
(7) If the matter is referred to The Municipal Board, the Board will hold a public hearing and report to the municipal council
(8) Municipal council considers The Municipal Board's report and may:
(i) resolve not to designate
(iii) amend and adopt the amended by-law
(ii) give the by-law second and third reading and adopt it as written
(9) If the municipality adopts the by-law, or an amended by-law, council shall:
—serve, publish and file a Municipal Heritage Notice
—enter and register the site in the register of municipal heritage sites

CHART B

What Does Designation Mean To An Owner?

After a site has been designated as a municipal heritage site, the municipality may, by by-law, require that a Municipal Heritage Permit (Appendix B4) be obtained by the owner before the site can be altered, renovated, enlarged or developed. A potential Municipal heritage site, for which a Notice of Intent has been issued by the council, is also afforded this protection until such time is as it in fact designated or it is determined that the site will not be designated. In the case of buildings, including the property surrounding the building, the purpose of the permits is not to limit renovations and improvements, but rather to encourage that such work is sympathetic to the historic and architectural qualities of the site.

During the designation process itself or following passage of the municipal designation by-law, ownership of a municipal heritage site may be transferred. The owner of a proposed or designated heritage site must, prior to the transfer or sale, advise the interested party that the site is, or is under consideration as, a municipal heritage site. Prior to the sale, or as soon as possible afterward, the owner must also advise the municipality of the transaction.

A municipality may acquire a heritage site as a gift, or through outright purchase, lease, exchange or expropriation. As owner of the site, the municipality has the right to sell, grant or lease the site to anyone, as long as any proposed developments are in accordance with the municipal designation by-law.

In order to assist in the sensitive preservation of municipal heritage buildings, Manitoba Culture, Heritage and Recreation, through the Historic Resources Branch, may offer both technical advice as well as grant assistance for the restoration, stabilization, preservation and rehabilitation of municipally designated heritage buildings.

Further, when a site is municipally designated, a commemorative plaque describing its historic significance may be installed at the site.

Appealing a Designation.

At any time after the adoption of the municipal designation by-law, the owner, the lessee of the municipal heritage site or any person or group, may appeal to the Municipal Council to have the by-law revoked if new facts or new circumstances have arisen. The appeal must be commenced by a Notice of Appeal (Appendix A3). At least 30 days after the Notice of Appeal has been served upon the municipality and the Minister, c/o The Heritage Designation Officer, Historic Resources Branch, the council may:

a) by by-law, revoke the original by-law; or
b) refer the appeal to The Municipal Board for a hearing, report of findings and recommendations.

If the matter is referred to The Municipal Board, the council then has the same options as when The Municipal Board reports on an objection to a proposed designation. After receiving The Municipal Board's report and recommendations the council may either:

a) by by-law, revoke or amend the original by-law; or
b) by resolution confirm the by-law and dismiss the appeal.

PROCESS FOR APPEALING A DESIGNATION

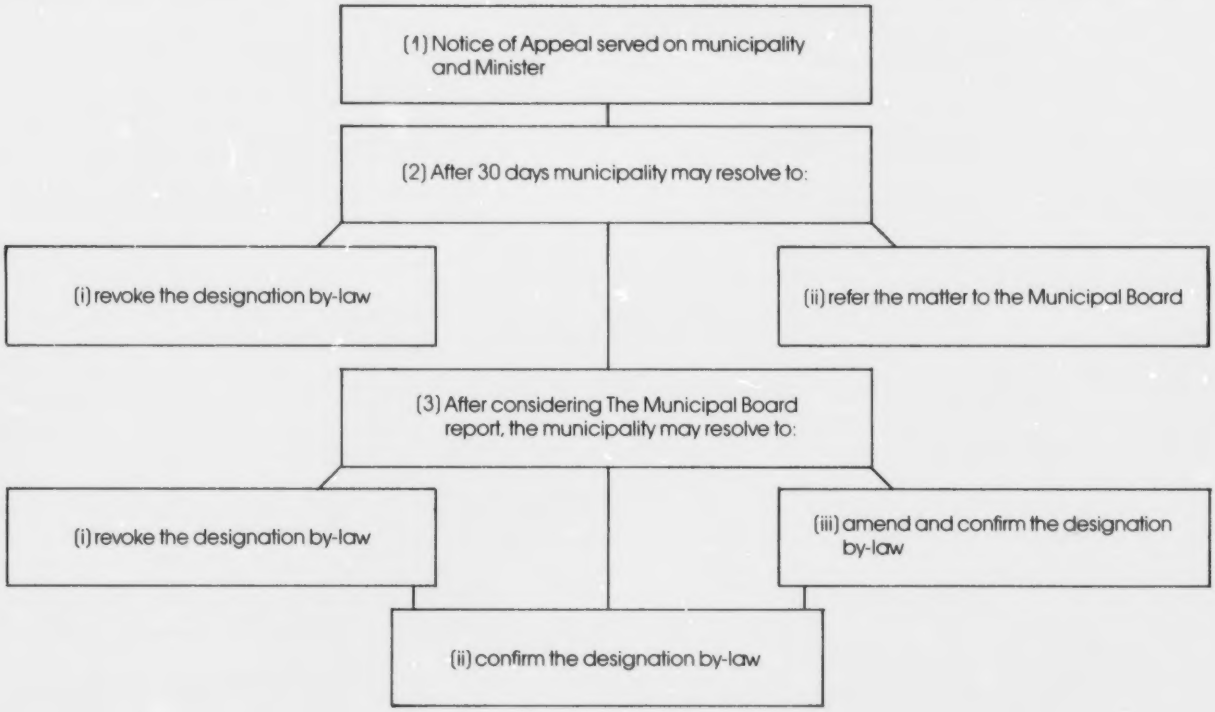

(1) Notice of Appeal served on municipality and Minister
(2) After 30 days municipality may resolve to:
(i) revoke the designation by-law
(ii) refer the matter to the Municipal Board
(3) After considering The Municipal Board report, the municipality may resolve to:
(i) revoke the designation by-law
(iii) amend and confirm the designation by-law
(ii) confirm the designation by-law

CHART C

Emergency Powers to Protect Threatened Heritage Sites.

In order to protect a municipal heritage site or a site for which a Notice of Intent has been issued, the council is empowered to take steps to stop and remedy damaging work. In other words, if work is being undertaken either without a Municipal Heritage Permit or is not following the terms and conditions of the permit, the council may issue a written order requiring remedial action either immediately or within a set period of time. If this order is not followed, the council may apply for a court order from a judge or justice and this order may contain provision for the municipality to have workers, equipment and materials removed from the site and, if necessary, for the council to have work undertaken to repair a damaged site.

In extraordinary situations, should a threat to a site or building be critical, the council may have the workers, equipment and materials removed before obtaining a court order from a judge or justice. After receiving an order from a judge or justice the Council may remedy any damage. The council may then subsequently apply through the courts to recover costs incurred in both stopping work damaging these heritage sites and repairing the damage.

For further information concerning the processes and forms for municipal heritage sites and The Heritage Resources Act contact:

Historic Resources Branch
Manitoba Culture, Heritage and Recreation
3rd floor, 177 Lombard Avenue
Winnipeg, Manitoba
R3B 0W5

Appendices

A number of the sections of Part III of The Heritage Resources Act, Designation of Municipal Heritage Sites, require that documents such as by-laws and notices be produced.

Series A of the appendices includes those forms prescribed under the Act. Prescribed forms are:

Appendix A1—Municipal Notice of Intent (Form 12)
Appendix A2—Municipal Heritage Notice (Form 14)
Appendix A3—Municipal Notice of Appeal (Form 13)

Series B provides samples of some of the forms that municipalities may use in drafting their own:

Appendix B1—By-law Establishing a Municipal Heritage Committee
Appendix B2—By-law Designating a Municipal Heritage Site
Appendix B3—Municipal Register Page
Appendix B4—Municipal Heritage Permit

It is NOT mandatory that the forms in Series B of the Appendices be followed. MUNICIPALITIES ARE FREE TO DRAFT ALL NON-PRESCRIBED DOCUMENTS IN ANY ALTERNATIVE ACCEPTABLE FORM.

Other documents that will be required, but whose form is not prescribed under the Act are:

—By-law Requiring the Use of Municipal Heritage Permits;
—Referral to Municipal Board Regarding an Objection To or Appeal From a Designation;
—Municipal Stop Order.

Sample forms of these documents are available from the Historic Resources Branch.

APPENDIX/SERIES A
FORMS PRESCRIBED BY THE HERITAGE RESOURCES ACT

APPENDIX A1

The Heritage Resources Act (Subsection 26(2))

Manitoba
Culture, Heritage
and Recreation

Municipal Notice of Intent (Municipality of Anytown) FORM 12

TAKE NOTICE THAT

The Council of the Municipality of Anytown, in the Province of Manitoba, is of the opinion that the site described as follows:

The lands and premises commonly known as The Anytown School, 96-3rd Street, in the Village of Anytown, Province of Manitoba, and legally described in Certificate of Title No. 12345 as:

In the Village of Anytown, in the Province of Manitoba, being Lot Twelve (12), in Block Nine (9), which lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of Nowhere, registered in the Newtown Land Titles Office as Plan No. 325.

of which the records of the Newtown Land Titles Office show as owner:

John Jones, Manager, and Judy Jones, Teacher, both of the Village of Anytown in the Province of Manitoba, as joint tenants and not tenants in common.

should be designated as a municipal heritage site pursuant to Section 25 of *The Heritage Resources Act* for the following reasons: The Council of the Village of Anytown is satisfied that the site represents an important feature of the historic development of Anytown and its people.

AND FURTHER TAKE NOTICE THAT:

The Council of the Municipality of Anytown intends to designate the above described site, including all lands and buildings thereon, as a municipal heritage site by enacting the proposed by-law attached to this Notice and marked as Schedule "A", which by-law has been given first reading.

AND FURTHER TAKE NOTICE THAT:

A copy of this Municipal Notice of Intent shall be filed in the appropriate land titles office or registry office, in accordance with the provisions of *The Heritage Resources Act*.

AND FURTHER TAKE NOTICE THAT:

A public hearing will be held on the 22nd day of March 19 88, at 10:00 o'clock in the fore noon in the following place:

Municipal Office of Anytown, 123-1st Street, Anytown, Manitoba, R0C 0C0

at which time any objections and other representations with respect to the proposed by-law designating the above described site as a municipal heritage site shall be heard.

Pursuant to Subsection 26(3) of *The Heritage Resources Act,* any person served with a copy of this Municipal Notice of Intent, any other person affected or likely to be affected by the proposed by-law, and any person, group, society, organization or agency interested in the proposed by-law, may attend at the hearing, either alone or with counsel, and may submit objections or other representations with respect to the proposed by-law.

AND FURTHER TAKE NOTICE THAT:

If no objections are raised with respect to the proposed by-law at the above hearing, the Council of the municipality may, pursuant to Subsection 27(1) of *The Heritage Resources Act:*

(a) resolve not to proceed further with the proposed by-law, or

(b) give the proposed by-law second and third reading, and adopt it.

Dated at Anytown this 6th day of February 19 88.

A. B. C. Smith.

Clerk of the Municipality of

Anytown

MG-13520 (English)

APPENDIX A2

The Heritage Resources Act (Subsection 33(2))

Manitoba
Culture, Heritage
and Recreation

Municipal Heritage Notice (Municipality of Anytown) FORM 14

TAKE NOTICE THAT:

The site described as follows:

The lands and premises commonly known as The Anytown School, 96-3rd Street, in the Village of Anytown, Province of Manitoba, and legally described in Certificate of Title No. 12345 as:

In the Village of Anytown, in the Province of Manitoba, being Lot Twelve (12), in Block Nine (9), which lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen(15) of the Parish of Nowhere, registered in the Newtown Land Titles Office as Plan No. 325.

of which the records of the Newtown Land Titles Office show as owner:

John Jones, Manager, and Judy Jones, Teacher, both of the Village of Anytown, in the Province of Manitoba, as joint tenants and not tenants in common.

and all the lands and buildings thereon, have been designated as a municipal heritage site to be protected under the authority of *The Heritage Resources Act* by Municipal By-Law No. 8/88 of the Municipality of Anytown, adopted on the 30th day of March 1988.

AND FURTHER TAKE NOTICE THAT:

A copy of this Municipal Heritage Notice shall be filed in the appropriate land titles office or registry office, in accordance with the provisions of *The Heritage Resources Act.*

Dated at Anytown, this 30th day of March 1988.

A.B.C. Smith.

Clerk of the Municipality of

Anytown

MG-13522 (English)

APPENDIX A3

The Heritage Resources Act (Section 30)

Manitoba
Culture, Heritage
and Recreation

Municipal Notice of Appeal

FORM 13

APPELLANT INFORMATION

1. Name Smith Developers Inc.
2. Address 456-2nd Street, Anytown, Manitoba
3. Postal Code R0C 0C0 4. Telephone 123-4567
5. Status:

Legal Owner		Lessee	
Affected Individual	X	Affected Organization	
Interested Individual		Interested Organization	
Other			

SITE LOCATION

6. Street and Number 96-3rd Street
   Town Anytown, Manitoba R0C 0C0
   or River Lot No. _____ Parish of _____
   or _____ 1/4 Section _____ Township _____ Range _____
7. Legal Description of Site (as noted in the Municipal Notice of Intent or at Land Titles Office) In the Village of Anytown in the Province of Manitoba, being Lot Twelve (12) in Block Nine (9), which lot is shown on a Plan of Survey of Lots Eight (8) to Fifteen (15) of the Parish of Nowhere, registered in the Land Titles Office of Newtown as Plan No. 325

REASONS FOR APPEAL

8. I/We Hereby Appeal By-Law No. 8/88, dated March 30, 1988, of the Municipality of Anytown, in accordance with Subsection 30(1) of *The Heritage Resources Act*, for the following reasons:
   Smith Developers Inc. would like to purchase the property in question to develop a $500,000 commercial mall on the site. For the proposed project to be possible The Anytown School would have to be demolished.

Smith Developers, Inc.

9. Per: W Smith President 10. October 10, 1990
   (Signature) (Date)
11. If the appeal is by an organization or a corporation, please complete the following declaration:
    I, Mike Smith, holding the position of President, hereby declare that I have the authority to sign this MUNICIPAL NOTICE OF APPEAL on behalf of Smith Developers, Inc., by reason of the General By-laws of the company which empower the President to execute documents for the company
12. W Smith 13. October 10, 1990
    (Signature) (Date)
14. Name(s) and Address(es) of Co-Appellants (if applicable) Not Applicable

APPENDIX/SERIES B

SUGGESTED FORMATS FOR OTHER DOCUMENTS REQUIRED BY THE HERITAGE RESOURCES ACT

APPENDIX B1

The Heritage Resources Act (Subsection 34[1])

Sample By-Law Establishing a Municipal Heritage Committee

To establish a Municipal Heritage Committee in and for the Village of Anytown, the Council of the Municipality of Anytown in the Province of Manitoba, enacts as follows:

1. This by-law may be cited as the "Municipal Heritage Committee Establishment By-law."
2. A committee to be known as the "Municipal Heritage Committee" (hereinafter referred to as "the Committee") is hereby established pursuant to Section 34(1) of the Heritage Resources Act.
3. The Committee shall consist of not fewer than 6 members, to be appointed at any regular meeting of the Council.
4. The Council may refer to the Committee for its consideration and advice, and the Committee may on its own initiative consider and advise the Council on any matter relating to the powers afforded to Council under the terms of the Heritage Resources Act and, in particular, the Committee may make recommendations to the Council respecting the designation of heritage buildings, structures, and lands as Municipal Heritage Sites, and the demolition, preservation, alteration, or renovation of those buildings, structures and lands.
5. The Council shall appoint one of the members of the Committee as the presiding member and another as the deputy presiding member.
6. The Committee may make rules governing its procedure.
7. A majority of the members of the Committee shall constitute a quorum.
8. All questions before any meeting of the Committee shall be decided by a majority of the members present including the presiding member and the presiding member shall have a deciding vote in the event of and quality of votes.
9. The presiding member shall cause minutes of all meetings and proceedings of the Committee to be recorded in a book kept for the purpose and shall forthwith after the adoption by the Committee of such minutes sign and deliver the same to the Secretary Treasurer of the Council.

DONE AND PASSED in open council this 22nd day of September, 19 87.

APPENDIX B2

SAMPLE BY-LAW DESIGNATING A MUNICIPAL HERITAGE SITE

Anytown **Municipality**

By-law No. 8/88

BEING a by-law of the Municipality of Anytown designate the property commonly known as The Anytown School, 96-3rd Street at Anytown, Manitoba as being a site of architectural or historic value.

WHEREAS Section 25 of THE HERITAGE RESOURCES ACT authorizes the Council of a Municipality to enact by-laws to designate a municipal site as a municipal heritage site;

AND WHEREAS the Council of the Municipality of Anytown is satisfied that this property is of sufficient architectural, heritage or natural value or interest;

AND WHEREAS the Council of the Municipality of Anytown has caused to be served upon the Minister of Culture, Heritage and Recreation, c/o The Heritage Designation Officer, Historic Resources Branch, 3rd floor, 177 Lombard Avenue, Winnipeg, Manitoba, R3B 0W5, and upon the owners and lessees of the lands and premises commonly known as The Anytown School, 96-3rd Street at Anytown, a Municipal Notice of Intent to so designate the aforesaid municipal site and has caused such Notice of Intent, stating the date, time and place for a hearing, not earlier than twenty-one (21) days after the last of the service so prescribed by the Act was made, to be held by the municipality to receive objections and other representations with respect to the proposed by-law, and has caused such Notice of Intent to be published in at least two (2) issues of a newspaper having general circulation in the municipality and having filed a copy of the Notice of Intent in the proper land titles or registry office;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the Municipality;

~~OR (where an objection has been raised)~~ Not Applicable

~~WHEREAS The Municipal Board has held a hearing to determine whether the property in question should be designated and reported its finding of fact and recommendations to the Council, and~~ Not Applicable

~~WHEREAS the Council has considered the report of The Municipal Board;~~ Not Applicable

THEREFORE the Council of the Municipality of Anytown enacts as follows:

1. The municipal site, commonly known as The Anytown School, 96-3rd Street at Anytown and legally described in Schedule A attached hereto is hereby designated as a municipal heritage site pursuant to *The Heritage Resources Act* of Manitoba.
2. The Clerk is hereby authorized to cause a copy of the Municipal Heritage Notice in respect hereto to be served upon the Minister of Culture, Heritage and Recreation and upon the owners and lessees of the said municipal site and to cause a copy of the Municipal Heritage Notice in respect hereto to be published in at least one (1) issue of a newspaper having general circulation in the municipality.
3. The municipal solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule A hereto in the proper land registry office.

DONE AND PASSED at Anytown Municipal Office in Manitoba this 30th day of March A.D. 19 88.

N White
Chairperson

B. Robson
Secretary-Treasurer

READ a first time this 5th day of February 19 88.

READ a second time this 30th day of March 19 88.

READ a third time this 30th day of March 19 88.

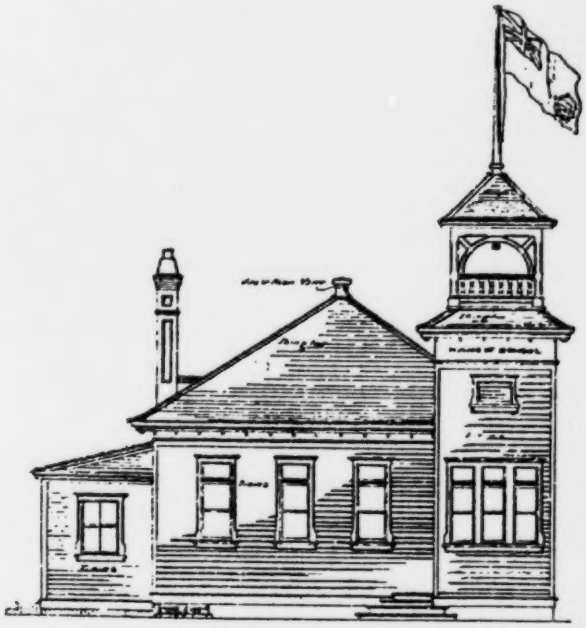
CERTIFIED a true copy of By-law No. 8/88 of the Village of Anytown

B. Robson
Secretary-Treasurer

APPENDIX B3

Sample Register Page

MUNICIPALITY OF ANY TOWN
MUNICIPAL HERITAGE PROPERTY



·FRONT ELEVATION·

Name of Property: The Anytown School Date: 1905

Location: 96-3rd Street

Anytown, Manitoba ROC OCO

Significance: 1) the school is the oldest remaining building in the Village of Anytown;

2) Emma Doe, noted Manitoba author, taught at the school from 1914 to 1916;

3) the structure is a good example of Manitoba Education standard design for rural schoolhouses at the turn of the 20th century.

Owner: John Jones and Judy Jones, 10-7th Street, Anytown, ph: 765-4321

Date Designated: March 30, 1988

Designating Agency: Village of Anytown

APPENDIX B4

THE HERITAGE RESOURCES ACT (Subsection 34[1])

Sample Municipal Heritage Permit No. 15/89

PURSUANT to Subsection 34(1) of *The Heritage Resources Act:*

Name: John Jones and Judy Jones

Address: 10-7th Street
Anytown, Manitoba
ROC OCO

(hereinafter referred to as "the Permittee"),

is hereby granted permission to: 1) convert interior of The Anytown School for use as a day care facility; remove non-load bearing walls; add new partitions; insulate walls; install kitchen and washrooms. 2) reshingle the roof using wood shingles

during the period:

May 31 to August 31, 1988

This permit is issued subject to the following conditions:

(1) That the information provided in the application for this permit dated the 12th day of May, 19 88, is true in substance and in fact;

(2) That the Permittee shall comply with all the provisions of *The Heritage Resources Act* and any regulations or orders thereunder;

(3) That the Permittee shall provide to the municipality a written report or reports with respect to the Permittee's activities pursuant to this permit, the form and content of which shall be satisfactory to the municipality and which shall be provided on the following dates:

September 30, 1988

(4) That this permit is not transferable;

(5) This permit may be revoked by the municipality where, in the opinion of the municipality, there has been a breach of any of the terms or conditions herein or of any provision of *The Heritage Resources Act* or any regulations thereunder.

(6) **Special Conditions**: A. If any change is proposed to the work as outlined above, the Permittee must first give notice to the Anytown Municipal Heritage Committee which will determine that the change either (1) affects the nature of specification of the proposed work, thus requiring a new heritage permit or (2) is minor in nature and will be considered by the Committee.

B. In particular, with respect to this project: (1) the pressed metal ceiling and existing wood doors and trim be retained and reused on any interior development; (2) the exterior not be altered other than to replace shingling; (3) the shingles be installed to match pattern shown in archival photographs from 1905-1910 period.

Dated at Anytown, this 12th day of May, 19 88.

A. B. C. Smith

Clerk of the Municipality of
Anytown